



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,984	04/10/2001	Yasuhito Shiraishi	50099-169	7160

7590

11/04/2004

MCDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
WASHINGTON, DC 20005-3096

EXAMINER
----------

MENBERU, BENIYAM

ART UNIT	PAPER NUMBER
----------	--------------

2626

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/828,984	<b>Applicant(s)</b> SHIRAISHI, YASUHIITO	
	<b>Examiner</b> Beniyam Menberu	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2001.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

*I am not sure about this. Claim had minor informality*

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/19/02, 8/7/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The following references listed in the IDS do not have English Translation:

German Patent No. 19844495 A

German Patent No. 19533811 A

“Cooperation for Integration of Prepress, Press, and Postpress”

Catalogue of Dainippon Screen Mfg. Co., Ltd., July 1999, pp. 1-4.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

On page 2, line 12 there is a misspelling for the term “presseside”.

On page 4, line 16 there is a misspelling for the term “pressesuch”.

On page 12, line 20 there is a misspelling for the term “degreed”.

On page 12, line 22, “paper feeding section 10” is referred to Figure 1 but there is no “paper feeding section 10” in Figure 1.

On page 13, line 7 there is a misspelling for the term “presseshifts”.

On page 17, line 12 there is a misspelling for the term “printied”.

Appropriate correction is required.

3. The abstract of the disclosure is objected to because the abstract contains more than 250 words. The phrase “means” was used on line 11. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

Art Unit: 2626

4. The drawings are objected to because on Figure 5, reference 40, 41, 42, and 43 are not labeled consistently with the specification on page 18, line 22, page 19, line 1, page 19, line 8, page 20, line 5 respectively. Also on Figure 6, reference 54 is not labeled consistently with the specification on page 21, line 25. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

5. Claim 9 is objected to because of the following informalities:

On line 22, the term "pressesaïd" is a misspelling.

Art Unit: 2626

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 4, 5, 9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6580524 to Weichmann et al.

Regarding claim 1, Weichmann et al disclose a method of managing print colors in a process for recording a printing plate on the basis of image data obtained by subjecting multi-value image data to RIP and carrying out printing by supplying ink on said printing plate, said method comprising:

a recording step of recording a color chart on a printing plate (column 4, line 43-45; column 3, line 36-39);

a step of determining a printing condition (column 3, line 39-41);

a printing step of printing said color chart on a printing medium in accordance with said printing condition while using a printing press (column 4, line 43-46; Figure 3, reference 10);

Art Unit: 2626

a detecting step of detecting a print color on said color chart on said printing medium (column 4, line 45-57);

a profile data generating step of generating profile data in accordance with printing characteristics of said printing press based upon said print color (column 4, line 37-41; Figure 1, reference 7);

and a profile data storage step of storing said profile data in association with said printing condition (column 5, line 4-9), said printing condition including at least one of I) an ink condition used in said printing press, and II) a condition of a kind of said printing medium (column 5, line 21-34), wherein, when a printing process is newly carried out using said printing press in accordance with said printing condition, a color correction prior to a RIP process is carried out on multi-value image data with reference to said profile data (column 7, lines 6-10).

Regarding claim 4, Weichmann et al disclose a color managing device for managing a print color, which is used in a printing system comprising a printing plate recording device for generating a printing plate on which an image is recorded and a printing press for transferring said image onto a printing medium by supplying ink onto said printing plate, said color managing device comprising:

printing condition setting element setting a printing condition (column 7, lines 57-66) ;

color detector detecting a print color of a color chart on a printing medium that has been printed by said printing press (column 4, line 45-57);

Art Unit: 2626

profile data generator generating profile data in accordance with printing characteristics of said printing press based upon said detected print color (column 4, line 37-41; Figure 1, reference 7);

and profile data storage memory storing said profile data in association of said printing condition (column 5, line 4-9), said printing condition including at least one of I) an ink condition used in said printing press, and II) a condition of a kind of said printing medium (column 5, line 21-34), wherein, when a printing process is newly carried out using said printing press in accordance with said printing condition, a color correction prior to a RIP process is carried out on multi-value image data with reference to said profile data (column 7, lines 6-10).

Regarding claim 5, Weichmann et al teach all the limitations of claim 4. Further Weichmann et al disclose a managing device according to claim 4, wherein: a color correction for said digital image data is carried out on multi-value image data prior to said RIP process (column 7, lines 6-10), an image data after said color correction is subjected to a RIP-process to obtain binary image data, and said printing plate is generated based upon said binary image data (column 4, lines 22-28).

Regarding claim 9, Weichmann et al disclose An image data processing device for applying a RIP process to a multi-value image data representing printing contents to obtain binary image data for recording an image on a printing plate to be used in a printing press (column 4, lines 22-29); said image data processing device comprising: a storage memory storing profile data suitable for printing characteristics of said printing press with respect to each of a plurality of

Art Unit: 2626

printing conditions (column 5, lines 30-34; Figure 5, reference 60; column 8, lines 24-32); and a color converter reading profile data that matches a designated printing condition from said storage memory, and for carrying out a color conversion on said multi-value image data in accordance with said profile data (column 6, lines 28-33) , where said printing condition includes at least one of I) an ink condition used in said printing press, and, II) a condition of said kind of said printing medium (column 5, line 21-34).

Regarding claim 11, Weichmann et al disclose a database (Figure 5, reference 60) used for correcting multi-value image data prior to a RIP process in a system for carrying out a printing process using a printing plate (column 4, lines 22-29), said data base comprising: a first storage area for storing a plurality of printing conditions; and a second storage area for storing a plurality of elements of profile data in accordance with printing characteristics of said printing press in association with each printing condition (column 5, lines 21-34), wherein each printing condition includes at least one of I) an ink condition used in said printing press, and II) a condition of a kind of said printing medium (column 5, line 21-34).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

Art Unit: 2626

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 3, 6, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6580524 to Weichmann et al in view of U.S. Patent No. 6069707 to Pekelman.

Regarding claims 2 and 6, Weichmann et al teach all the limitations of claim 1. However Weichmann et al does not disclose a method and device according to claim 1, wherein said printing press is operable to form an image on said printing plate being held on a plate cylinder.

Pekelman discloses a method according to claim 1, wherein said printing press is operable to form an image on said printing plate being held on a plate cylinder (column 13, lines 62-67; column 14, lines 1-2).

Weichmann et al and Pekelman are combinable because they are in the similar problem area of color printing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the printing plate assembly including a plate cylinder as taught by Pekelman in the color printing system of Weichmann et al to implement a color printing system.

The motivation to combine the reference is clear because Pekelman suggests that in using offset press printing system cylinders are used for holding printing plates.

Regarding claims 3 and 7, Weichmann et al in view of Pekelman teach all the limitations of claims 2 and 6 respectively. Further Weichmann et al disclose a method and device according to claim 2, wherein said printing condition further

Art Unit: 2626

includes at least one of III) a condition of an amount of ink in said printing process, and IV) a condition of an amount of damping water (column 5, lines 26-34).

Regarding claim 10, Weichmann et al teach all the limitations of claim 9. Further Weichmann et al disclose a method and device according to claim 2, wherein said printing condition further includes at least one of III) a condition of an amount of ink in said printing process, and IV) a condition of an amount of damping water (column 5, lines 26-34).

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6580524 to Weichmann et al in view of U.S. Patent No. 6069707 to Pekelman further in view of U.S. Patent No. 5508826 to Lloyd et al.

Regarding claim 8, Weichmann et al in view of Pekelman teach all the limitations of claim 7. However Weichmann et al in view of Pekelman does not disclose a managing device according to claim 7, wherein said color detector includes: an image-pickup placed in a transport path of said printing medium having been printed or in a discharging section of said printing medium inside said printing press.

Lloyd et al discloses a managing device according to claim 7, wherein said color detector includes: an image-pickup placed in a transport path of said printing medium having been printed or in a discharging section of said printing medium inside said printing press (column 5, lines 59-60; column 6, lines 9-14; Figure 2, reference 210).

Art Unit: 2626

Weichmann et al in view of Pekelman and Lloyd et al are combinable because they are in the similar problem area of color printing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the color sensor of Lloyd et al into the system of Weichmann et al in view of Pekelman to implement a color sensor to calibrate a printer.

The motivation to combine the reference is clear because the color sensor as taught by Lloyd et al is useful for calibrating a printer (column 6, lines 9-14).

#### ***Other Prior Art Cited***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5699491 to Barzel discloses a color printer driver with gamut mapping capabilities.

U.S. Patent No. 4854232 to Oda discloses color offset printer.

U.S. Patent No. 5502580 to Yoda et al discloses color space conversion with profiles.

U.S. Patent No. 6324975 to Kondo discloses color printing with correction.

U.S. Patent No. 6230622 to Dilling discloses a method of printing with calibration.

Art Unit: 2626

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (703) 306-3441. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

### ***Patent Examiner***

Beniyam Menberu

BM  
10/25/2004

KA Williams

KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER